

PATRICK J. LEAHY, VERMONT, CHAIRMAN

HERB KOHL, WISCONSIN  
DIANNE FEINSTEIN, CALIFORNIA  
RUSSELL D. FEINGOLD, WISCONSIN  
CHARLES E. SCHUMER, NEW YORK  
RICHARD J. DURBIN, ILLINOIS  
BENJAMIN L. CARDIN, MARYLAND  
SHELDON WHITEHOUSE, RHODE ISLAND  
RON WYDEN, OREGON  
AMY KLOBUCHAR, MINNESOTA  
EDWARD E. KAUFMAN, DELAWARE  
ARLEN SPECTER, PENNSYLVANIA

JEFF SESSIONS, ALABAMA  
ORRIN G. HATCH, UTAH  
CHARLES E. GRASSLEY, IOWA  
JON KYL, ARIZONA  
LINDSEY O. GRAHAM, SOUTH CAROLINA  
JOHN CORNYN, TEXAS  
TOM COBURN, OKLAHOMA

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

BRUCE A. COHEN, *Chief Counsel and Staff Director*  
BRIAN A. BENCKOWSKI, *Republican Staff Director*

July 23, 2010

The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

We write to express concern about the politicization of the Civil Rights Division within the Department of Justice and ask that you schedule a hearing in order for the Committee to exercise its proper oversight function. On July 6, 2010, J. Christian Adams, the lead DOJ attorney who prosecuted the New Black Panther Party (NBPP) for intimidating Philadelphia voters, testified before the United States Commission on Civil Rights (USCCR). In sworn testimony, Mr. Adams confirmed that various political appointees overruled a unanimous recommendation by six career DOJ attorneys that prosecution of members of the NBPP should continue. Mr. Adams testified that within the DOJ Civil Rights Division, "not only was their open hostility toward equal enforcement in a colorblind way of the voting rights laws, but instructions were given in this regard."

As you are aware, the USCCR's investigation stems from an incident on November 4, 2008 in which two members of the NBPP were intimidating voters at a polling station in Philadelphia. Video taken at the scene shows both individuals were dressed in paramilitary uniforms and one man was actually brandishing a nightstick. According to the USCCR, both men "hurled racial epithets at whites and blacks alike, taunting poll watchers and poll observers who were there to aid voters." Long time civil rights attorney Bartle Bull was at the polling place that morning and called the incident "the most blatant form of voter intimidation" he had ever seen. Despite DOJ having won a default judgment in this case, political appointees voluntarily dismissed several of the defendants. Furthermore, against the defendant brandishing a nightstick, DOJ sought only an injunction, which bars him from displaying a weapon within 100 feet of a Philadelphia polling place for the three years.

Unfortunately, allegations of misconduct by certain political appointees are not limited to the decision to dismiss this case. Tom Perez, Assistant Attorney General for the Civil Rights Division, testified before the USCCR that the facts and law did not support moving forward with the NBPP case. Mr. Adams has revealed that career attorneys "made it very clear [to Perez] that continuing to say that the facts and the law don't support this case would not be consistent with the truth." Additionally, according to Mr. Adams' testimony, Deputy Assistant Attorney General Julie Fernandes instructed Civil Rights Division attorneys that they would not pursue voter intimidation cases involving black defendants and white victims. Ms. Fernandes also reportedly told the Voting Section that DOJ has "no interest" in enforcing Section 8 of the National Voter

The Honorable Patrick J. Leahy  
July 23, 2010  
Page 2

Registration Act because it has “nothing to do with increasing turnout.” Section 8 vests the Attorney General with the power to ensure that states are complying with the law by removing dead and duplicate voters from the roles.

If these alarming allegations are true, the Civil Rights Division is actively engaged in widespread politicization and possible corruption. This Committee has a duty to investigate such serious allegations that strike at the heart of the Department’s integrity. Unfortunately, the Department of Justice continues to stonewall the USCCR by refusing to honor the subpoena issued for Christopher Coates, former chief of the Voting Rights Section. It is imperative that you schedule a hearing immediately so we can determine the validity of these claims and whether DOJ, as Mr. Adams testified, “abetted wrongdoers and abandoned law-abiding citizens.” Given the importance of this oversight matter, we believe that holding a hearing on this issue should take priority over other Committee business.

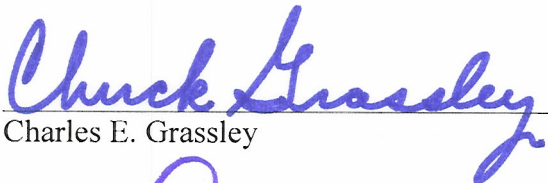
Very truly yours,



Jeff Sessions  
Ranking Member



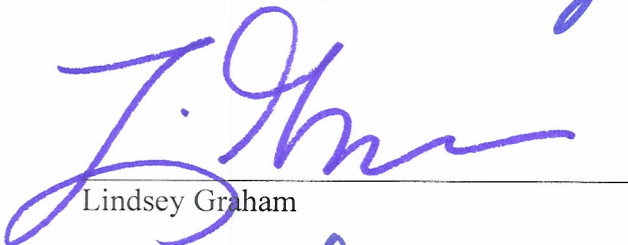
Orrin G. Hatch



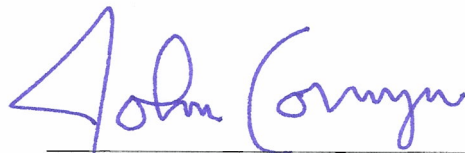
Charles E. Grassley



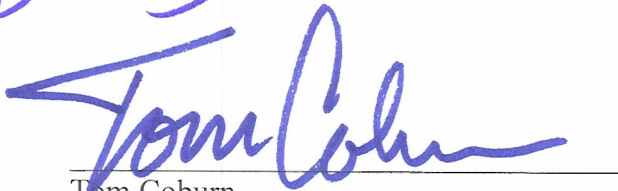
Jon Kyl



Lindsey Graham



John Cornyn



Tom Coburn